

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

v.

Criminal Case No. 15-20351

Civil Case No. 17-13786

Waseem Alam,

Defendant/Petitioner.

Sean F. Cox

United States District Court Judge

ORDER REGARDING LIMITED EVIDENTIARY HEARING
ON MOTION TO VACATE UNDER 28 U.S.C. § 2255 AND PRE-HEARING STATUS
CONFERENCE

This is a habeas petition made pursuant to 28 U.S.C. § 2255. Acting through Court-appointed counsel, Petitioner Waseem Alam filed an amended supplemental brief in support of his § 2255 petition.

The statute provides that “[u]nless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief” the court shall “grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto.” 28 U.S.C. § 2255(b). As the Sixth Circuit has stated, the burden on the petitioner in a habeas case for establishing an entitlement to an evidentiary hearing is “relatively light.” *Martin v. United States*, 889 F.3d 827, 832 (6th Cir. 2018); *see also MacLloyd v. United States*, 684 F. App’x 555, 559 (6th Cir. 2017).

Having reviewed Alam’s § 2255 petition and other filings, the Court concludes that an evidentiary hearing is warranted as to the following issues: (1) whether Alam’s plea counsel advised him that he had waived all of his rights to appellate review; and (2) whether sufficient

contemporaneous evidence exists to conclude that there is a reasonable probability that Alam would not have pleaded guilty if he had notice of his plea's potential adverse immigration consequences. *See generally United States v. Ataya*, 884 F.3d 318 (6th Cir. 2018).

The Court **ORDERS** that a Pre-Hearing Status Conference will take place on **Friday, January 31, 2020 at 3:00pm.**

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 9, 2020